

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRYDON BIGCHARLES,  
Plaintiff,  
v.  
COUNTY OF NEVADA, et al.,  
Defendants.

No. 2:24-cv-3305 JAM AC (PS)

FINDINGS AND RECOMMENDATIONS

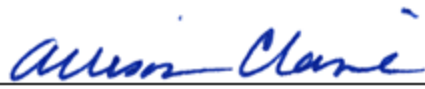
Plaintiff, appearing in pro se, filed a complaint and paid the filing fee on November 27, 2024. ECF No. 1. That same day, a scheduling order was issued in this case ordering the plaintiff to serve a copy of the scheduling order and complete service of process within 90 days of filing the complaint. ECF No. 3 at 2. Plaintiff was cautioned that failure to complete service within 90 days may result in dismissal pursuant to Fed. R. Civ. P. 40(m). Id. The deadline has passed, and no certificate of service has been filed. On February 27, 2025, the court issued an order to show cause within 14 days why this case should not be dismissed for failure to prosecute. ECF No. 4. Plaintiff has not responded to the court's orders, nor taken any action to prosecute this case.

In recommending this action be dismissed for failure to prosecute, the court has considered "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring

1 disposition of cases on their merits; and (5) the availability of less drastic alternatives.” Ferdik v.  
2 Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (citation omitted). Because this case cannot  
3 move forward without plaintiff’s participation, the court finds the factors weigh in favor of  
4 dismissal.

5 Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without  
6 prejudice, for lack of prosecution and for failure to comply with the court’s order. See Fed. R.  
7 Civ. P. 41(b); Local Rule 110. These findings and recommendations are submitted to the United  
8 States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1).  
9 Within twenty-one (21) days after being served with these findings and recommendations,  
10 plaintiff may file written objections with the court. Such document should be captioned  
11 “Objections to Magistrate Judge’s Findings and Recommendations.” Local Rule 304(d).  
12 Plaintiff is advised that failure to file objections within the specified time may waive the right to  
13 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

14 DATED: March 17, 2025

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16 ALLISON CLAIRE  
17 UNITED STATES MAGISTRATE JUDGE  
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